

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
May 11, 2005

MEMBERS

Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
Andrew A. Simasek
John W. Staton

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

REMARKS

Chair Simasek stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

ROLL CALL

The roll was called and all members were present along with staff members J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

APPROVAL OF MINUTES

Mr. Ptasznik moved adoption of the minutes of the regular meeting of April 13, 2005. The minutes were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. YVA-20-05, The Fifes and Drums of York Town: Request for Yorktown Village Activity approval, pursuant to Section 24.1- 327(c) of the York County Zoning Ordinance, to authorize the construction of a two-story building to house an office and rehearsal hall for a fifes and drums corps located at 202 Church

Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-32 and 18A-1-32A. The property is located on the east side of Church Street (Route 1003) approximately 220 feet south of its intersection with Main Street (Route 1001). The property is zoned YVA (Yorktown Village Activity) and is designated as Yorktown Historical Village in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, presented a summary of the staff report dated May 3, 2005, in which the staff recommended approval.

Chair Andrew Simasek opened the public hearing.

Mr. Walt Akers, 110 Kenneth Drive, Seaford, VA, President of The Fifes & Drums of York Town, spoke in behalf of approval. He gave a brief history of the group and related how cramped the present quarters are, given the fact it has grown to 70 performing members. He has worked with the Colonial National Historical Park (CNHP) and other agencies over the past several years, undergoing seven revisions during the process in order to satisfy all of the requirements and all parties' intent to maintain the integrity of Historic Yorktown, he said. Mr. Akers hopes construction can start within weeks of approval.

Mr. P. Daniel Smith, Superintendent of CNHP, 605 Main Street, said the application culminates a three-year effort that was coordinated with his predecessor, Mr. Alec Gould, and himself. He expressed the highest regard for what the Fifes & Drums mean to York County and to the Park itself, and enthusiastically supported approval.

Hearing no others, the Chair closed the public hearing.

Mr. Barba commended all involved in the project.

Mr. Ptasznik had the highest praise for the Fifes & Drums and believed a new building would serve the Corps well.

Mr. Simasek thanked the Park Service for its efforts in the project and thanked Mr. Akers for his leadership.

Mr. Hamilton moved to adopt proposed Resolution No. PC05-21.

Resolution No. PC05-21

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A YORKTOWN VILLAGE
ACTIVITY REQUEST TO AUTHORIZE A 3000-SQUARE FOOT REHEARSAL
HALL WITH ACCESSORY OFFICE AND STORAGE AT 202 CHURCH STREET
IN THE VILLAGE OF YORKTOWN

WHEREAS, the Yorktown Fife and Drum Corps has submitted Application No. YVA-20-05, pursuant to Section 24.1-327(b)(2) of the Zoning Ordinance, to authorize the construction of a 3000-square foot rehearsal hall with accessory office and storage space located at 202 Church Street (Route 1003) and further identified as Assessor's Parcel Nos. 18A-1-32 and 18A-1-32A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of May, 2005 the Application No. YVA-20-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 3000-square foot rehearsal hall with accessory office and storage space located at 202 Church Street (Route 1003) and further identified as Assessor's Parcel Nos. 18A-1-32 and 18A-1-32A (GPIN Nos. P12c-2482-0270 and P12c-2462-0241); subject to the following conditions:

1. This approval shall authorize the establishment of a 3000-square foot rehearsal hall with accessory office and storage space located at 202 Church Street (Route 1003) and further identified as Assessor's Parcel Nos. 18A-1-32 and 18A-1-32A (GPIN Nos. P12c-2482-0270 and P12c-2462-0241).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to any site disturbance activities on the site. Said site plan shall be in substantial conformance with the sketch plans submitted by the applicant titled "The Fifes and Drums of Yorktown" dated 5-17-04, prepared by Rickmond Engineering, Inc., and "Fifes and Drums of Yorktown," Sheet S-1, dated 6/1/04, prepared by Bay Design. Building architecture and design shall in substantial conformance with building elevations and floor plans submitted by the applicant dated January 1, 2005. Landscaping shall be in substantial conformance with the landscape plan submitted by the applicant titled "Alternative Planting, Fife & Drum Bldg., Church Street, Yorktown, VA," and dated August 6, 2004. Site plans, building architecture and design, floor plans and landscape plans shall be in substantial conformance with noted plans and elevations except as modified herein or as may be necessary to comply with site plan review requirements and requirements of the National Historic Preservation Act, Section 106.
3. The facility shall be developed in accordance with approval conditions stipulated in Yorktown Village Activity Permit Application No. HYDC-7-05, granted on March 23, 2005 by the Historic Yorktown Design Committee.
4. Any signage associated with the use shall be installed in compliance with all applicable requirements of the Zoning Ordinance.

5. Off-site parking for the facility shall be located within the existing public parking lot located across Church Street on Parcel Nos. 18A-1-38, 18A-1-44 and 18A-1-45.
6. Existing trees on the property shall be preserved as noted on the landscape plan referenced in Condition No. 2 above.
7. The property shall be developed in accordance with terms and conditions set forth in Quitclaim Deed dated August 25, 2003, between the United States of America and the County of York (reference tract 05-167-Easement) recorded as Instrument Number 030028633 at Page 0750 in the Office of the Clerk of the Circuit Court on September 5, 2003.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Yorktown Village Activity Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Application No. UP-666-05, Paradise Tattoo: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance, to authorize the establishment of a tattoo parlor within an existing office/retail center located at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-7A. The property is located on the west side of Merrimac Trail approximately 650 feet north of its intersection with Penniman Road (Route 641). The property is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, summarized the staff report dated May 4, 2005. **Ms. Parker** noted the opposition of the School Division to the proposed business because of its proximity to Waller Mill Elementary School. She further noted that James City County and the City of Williamsburg do not allow tattoo parlors under any circumstances.

In response to questions raised by **Mr. Ptasznik**, **Ms. Parker** noted the applicant plans to lease the space in the existing center, and there is adequate parking provided by the owners for all of its tenants.

Chair Simasek opened the public hearing.

Mr. Scott Mitchell, 3801 Fox Hollow, Williamsburg, a co-applicant, said the owner of the office/retail center in which he desires a lease space for a tattoo parlor has made many improvements. He did not think the presence of a tattoo parlor would have a detrimental effect on the other occupants, nor did any of the surrounding tenants indicate that they expect to have any problems associated with it.

Mr. Mitchell noted that the owner is in the process of obtaining cost estimated for new poles and lights that will meet County regulations. Other occupants will be open at nights, he said.

The office/retail center is not directly across the street from Waller Mill Elementary School, **Mr. Mitchell** argued, but from its athletic field, so the center is not visible from the school building. He and his partner have designed the tattoo work area to be behind barrier walls, restricting the visibility of visitors to the center to a plain sign and the reception area containing a TV and some seating. **Mr. Mitchell** research school bus routes and learned that school buses do not pass the location. He further said there are no historical sites in the area. **Mr. Mitchell** believes Route 60 is the main corridor leading to the historic district, contrary to staff's observation that the center is on the main corridor leading to the Williamsburg historical area. General business operations surround his proposed business location, he added, including a state ABC store adjacent to Waller Mill Elementary School.

Mr. Mitchell said tattooing as an art form has become more mainstream and gained in popularity over the last decade. It does not carry some of the taboos as in past years. He and his business partner expect to operate a reputable and successful business. He has a son in elementary school, he said, whom he would not allow anywhere that is unsafe or unsanitary, so he understands citizens' concerns.

Mr. Mitchell said he would observe all laws addressing sanitation and health issues, personal grooming of the artist, and care of the shop.

Mr. Mitchell stated he did not believe his proposed business would degrade the area.

Mr. Todd Houle, 6011 Fox Hill Road, the co-applicant and business partner, spoke in favor of approval. **Mr. Houle** believed tattoos are works of art that help to identify individuals. He mentioned that some breast cancer patients have accepted their bodies after having a tattoo. His goal is to create a reputable business in which the art of tattooing will be accepted as the art form it is. He noted the existence of an ABC store and an adult bookstore near Waller Mill Elementary School. He said his proposed business would not allow any unlawful behavior among its clientele. He asked for a favorable recommendation.

Mr. Barba asked the applicants if this would be a new business for each of them.

Mr. Scott Mitchell said it would be a new business and there is a third owner who also is a tattoo artist. He said there would be an owner on the premises every day and only those with a vested interest in the success of the business would be responsible for keeping it clean and sanitary.

Mr. Staton asked what other retail businesses are in the office/retail center. **Mr. Mitchell** mentioned an existing State Farm Insurance agency and that a check-cashing operation is under contract; two other units have not been leased.

Mr. Simasek asked Mr. Mitchell why he selected this particular location, and **Mr. Mitchell** said it is zoned General Business, which is not easy to find in the County. He grew up in York County and would like to establish his business in the County.

As to the target market, **Mr. Mitchell** said the fastest-growing segment of the tattoo market is 26-to-34-year-old married women. His target market area includes Williamsburg, James City County, Fort

Eustis and all the service industries in the area, and added that his business would refuse to tattoo anyone under the age of 18.

Hearing no others, **Mr. Simasek** closed the public hearing.

Mr. Hamilton was concerned about the location being in proximity to a school.

Mr. Davis agreed, saying it would be a mistake placing it near a school. He was also concerned about age and health factors.

Mr. Ptasznik agrees about health concerns although he did not oppose tattoos. He did not think it should be near a school.

Mr. Simasek respected the applicants' position, but believed that particular corridor was not a good location for the proposed tattoo parlor. It is a tourist corridor and a residential area and the proposal does not represent the highest and best use of the land.

Mr. Barba moved proposed Resolution No. PC05-22. It was defeated unanimously.

Resolution No. PC05-22

On motion of Mr. Barba, the following resolution was defeated by a vote of 0:7:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A TATTOO PARLOR AT 820 MERRIMAC TRAIL

WHEREAS, Paradise Tattoo has submitted Application No. UP-666-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7) of the York County Zoning Ordinance to authorize a 900-square foot tattoo parlor within the existing retail center located at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-7-A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of May, 2005 the Application No. UP-666-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 900-square foot tattoo parlor in the existing retail center located at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 18A-1-32 (GPIN No. F14d-3399-0957); subject to the following conditions:

9. This use permit shall authorize a 900-square foot tattoo parlor located in the existing retail center at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 18A-1-32.
10. The subject facility shall be established in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on March 30, 2005.
11. Any signage associated with the use shall be installed in compliance with all applicable requirements of the Zoning Ordinance.
12. Prior to issuance of a Certificate of Occupancy for the proposed use, a detailed parking tabulation for the retail center shall be submitted to and approved by the Department of Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.
13. In accordance with Section 24.1-607(d)(8), lighting shall be installed as needed to adequately illuminate the existing parking lot prior to issuance of a Certificate of Occupancy. An illumination study, to include manufacturer's specifications, shall be submitted for review and approval by the Environmental and Development Services Plan Approving Agent which demonstrates illumination levels no more than 0.5 foot-candles at any property line. All lighting fixtures shall be equipped with full cutoff, shielded luminaries in accordance with Illumination Engineering Society of North America recommendations, and shall be installed with flat lenses angled level to the ground.
14. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Application No. UP-667-05, Providence Classical School: Request to amend the conditions of a previously approved Special Use Permit [Application No. UP-591-02, Resolution No. R02-14(R)] authorizing the establishment of a private school on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11. The requested amendment would increase the maximum enrollment from 111 to 140 students. The 29 additional students would attend classes in the Ascension of Our Lord Byzantine Catholic Church located on a 0.69-parcel at 114 Palace Lane and further identified as Assessor's Parcel No. 9-12. The school property is zoned LB (Limited Business) and the church property is zoned GB (General Business). Both properties are designated for General Business development in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented a summary of the memorandum to the Commission dated May 3, 2005, in which the staff recommended approval. He indicated the County

had received no complaints about the school operating at its present location, and staff did not think an additional 29 students would cause any problems for the neighborhood.

Mr. Hamilton inquired about responsibility for maintaining the gravel driveway, and **Mr. Cross** said the owner of the adjacent office building owns it. He explained that a condition in the proposed resolution would require the school to re-install a barrier between its rear parking lot and the gravel driveway.

Mr. John Ryland, 97 Shellbank Drive, Williamsburg, vice president of the Providence Classical School Board, spoke on behalf of the applicant. He noted the school had grown since its opening in 2001 from 20 to 90 students. The school would like to continue its growth and in the future acquire property to build a facility offering kindergarten through grade 12 with approximately 900 students, but will be in its present location for the next several years.

Mr. Ryland said the school had chained off the gravel driveway adjoining its property for safety reasons and he was unaware the chain was removed until Mr. Cross's visual presentation tonight, and he would see that the chain is put back up to separate the driveway from the school parking lot.

Mr. Davis asked if parking is a problem at its current location. **Mr. Ryland** said there is plenty of parking in the designated school lot.

Mr. Davis asked if the school would meet County Code requirements for a school of 140 students. **Mr. Ryland** said it does, and there is an adequate number of bathrooms in each of the buildings in which it would like to expand. He said it would be perfect for the school to teach 119 students in the current building, but at this time is willing to maintain a maximum of 111 students in the school building, in accordance with the previously approved use permit.

Mr. Cross indicated that the staff had not proposed a requirement that the 29 additional students attend school in the church building instead of the school building. The proposed resolution would merely increase total enrollment from 111 to 140 students.

Mr. Ptasznik commended the school for being a good citizen and doing a good job as evidenced by the absence of complaints from the neighbors.

Mr. Hamilton favored approval so the school would be able to grow and use its space efficiently. **Mr. Barba** agreed.

Mr. Simasek commended the applicant for the good relations the school apparently has maintained with its neighbors.

Mr. Hamilton moved adoption of proposed Resolution No. PC05-23.

Resolution No. PC05-23

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO AMEND A SPECIAL USE PERMIT BY INCREASING THE MAXIMUM ALLOWABLE ENROLLMENT FROM 111 TO 140 STUDENTS AT A PREVIOUSLY APPROVED PRIVATE SCHOOL LOCATED AT 116 PALACE LANE

WHEREAS, on February 5, 2002, the York County Board of Supervisors approved Application No. UP-591-02 to authorize a Special Use Permit for the establishment of a private school on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11; and

WHEREAS, Providence Classical School has submitted Application No. UP-667-05, which requests to amend the conditions of the above-referenced Special Use Permit, which are set forth in Resolution No. R02-14(R), by increasing the maximum enrollment from 111 to 140 students; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of May, 2005, that Application No. UP-667-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions of approval for Application No. UP-591-02 set forth in Resolution No. R02-14(R) by increasing from 111 to 140 students the maximum allowable enrollment at a private school located on a 1.95-acre parcel at 116 Palace Lane (Route 690), further identified as Assessor's Parcel No.9-11, subject to the following conditions:

1. This approval shall authorize amendment of the conditions of approval for Application No. UP-591-02, set forth in Resolution No. R02-14(R), to increase the maximum allowable school enrollment from 111 to 140 students. Providence Classical School shall submit enrollment data in writing to the Planning Division no later than October 1 annually.
2. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit amendment shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
3. Providence Classical School shall be responsible for installing curbing, wheel stops, landscape timbers, a chain, or some other physical barrier to prevent access between the school's rear parking and the adjacent gravel driveway.

Application No. UP-668-05, Specialty Motorsports & Collectibles: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7(b)] of the York County Zoning Ordinance, to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Ft. Eustis Boulevard (Route 105). The property, further identified as Assessor's Parcel No. 24-68-1, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented the staff report which concluded that whatever benefit may be derived from the anticipated low trip generation of the proposed use car dealership would be outweighed by its lack of consistency with the Comprehensive Plan and location along the gateway to the historic area, among other considerations. The staff recommended denial.

Mr. Staton asked if the applicant had agreed to close the entrance off Route 17; **Mr. Anderson** replied that the applicant had not exactly agreed to the closing.

Mr. Simasek asked if the property could be re-used as a gasoline station without another Special Use Permit. **Mr. Anderson** said a new use permit would be required for that type of use because the former station has been closed more than 24 months and has lost its nonconforming status.

Chair Simasek opened the public hearing.

Mr. Patrick Lab, 29 Emmaus Road, Poquoson, spoke as the co-applicant. **Mr. Lab** explained that he has developed an excellent reputation within his business, but understands that some auto-related businesses have acquired a less than honorable reputation because of their occasional unsavory business practices. **Mr. Lab** said the success of his business has resulted in a need to expand from its present location, at 6207 George Washington Memorial Highway, to a larger facility with more visibility and easier access. He would like to stay in the County, and thinks the County would want its successful businesses to be able to expand and improve within the County.

Mr. Lab said he respects historic places and would improve and landscape the proposed site to be "the best looking business on that corner." He would exceed whatever landscaping the County required, he added, and would use whatever materials the County required for the façade and canopy. His intention is to make the site beautiful.

Mr. Lab noted the importance of access to the proposed site; he would prefer closer access than the entrance off Fort Eustis Boulevard. He would have no problem closing the entrance from Route 17, in the future, as long as the customers had good access, and he offered to work with the County on plans to build a driveway.

Mr. Davis told the applicant the Commission must consider the location - the entranceway to one of the most historic places in the country. The County has made a significant investment in its beautification, he said, and a car lot did not seem appropriate for the location. That was in no way a reflection on Mr. Lab's business practices nor his professional reputation, he pointed out, but in deference to the Commission's purpose, which is to consider appropriateness of land use.

Mr. Lab noted that the County last year amended the County Code to require Special Use Permits for auto-related businesses, which indicated to him the County thinks they are unsavory.

Mr. Simasek said the major reasons to require a Special Use Permit are to afford County review of a proposal and determine compatibility with the Zoning Ordinance and Comprehensive Plan.

Mr. Lab said the County adopted a vision for a “village center” several years ago, but no developers have come along to accomplish that vision. Perhaps they believe it would be fiscally unsound to do so, he added.

Mr. Barton DeShayes, 111 Jara Lane, acknowledged the property is at the beginning of the historic district, but noted Wendy’s, Citgo, McDonald’s and a shopping center are on surrounding corners, none of which evoke historic visions for him. He agreed the area should look as good as possible but did not agree that an automobile lot on the corner would necessarily detract from the overall aesthetics. **Mr. DeShayes**, a retired Coast Guard Commander, said he and several of his colleagues have purchased cars with the assistance of Mr. Lab. He said Mr. Lab is honest and will deliver on his word. **Mr. DeShayes** was convinced that if Mr. Lab says he will make the property look good, it will look good.

Ms. Sharon Van Luyn-Prater, 101 Cobia Drive, is employed by Old Point National Bank where Mr. Lab has been a customer in good standing for several years. She has dealt with Mr. Lab professionally and has directed several customers to him, whom he handled in a very professional way. “He is far better than many used car dealers” that she deals with, she said. **Ms. Luyn-Prater** believed the proposed location was perfect for Mr. Lab’s business and is well positioned for growth given its proximity to Fort Eustis and its overall visibility.

Ray Suttle, Jr., Esq., Jones Blechman Woltz and Kelly, PC, represented an adjacent property owner, Triple Feature Associates. He asked the Commission to consider whether the proposed use is appropriate for the particular parcel and the type of businesses it envisions for the entry to the Yorktown historic area. He believed it was not appropriate, would have a negative impact on the surrounding properties, and was therefore an inappropriate use. He requested a recommendation of denial.

Mr. Ptasznik asked Mr. Suttle if his client has plans for the property, to which **Mr. Suttle** responded his client has no firm plans for the property, and although his client has been approached with some proposals, they are not consistent with a car dealership.

The Chair closed the public hearing.

Mr. Barba acknowledged his membership on the Route 17 Revitalization Committee, whose chair is “in the car business.” The purpose of the Committee was to promote economic growth and improve the appearance of Route 17. While it is not as apparent now as it will be in the future, there is activity going on to improve Route 17. He believed it would be a mistake to disregard the County’s development criteria for the property by having the building occupied prematurely.

Ms. Conner agreed with the other Commissioners’ comments. It is the Commission’s responsibility to determine the highest and best use of properties, she said, not whether the applicant would be a

responsible operator. There are a number of automobile-related businesses on Route 17 that have, for the past few years, focused on improving their appearance. Future development along that highly visible corridor and on that particular corner should be for the highest and best use of the property.

Mr. Hamilton concurred with the other Commissioners and did not believe a used car dealership fit the vision for a gateway to the historic district. He thought used car dealerships were a fine business, but were inappropriate for a “gateway location.”

Mr. Simasek agreed with many of Mr. Lab’s arguments, acknowledging that businesses presently surrounding the proposed corner are no less desirable than a car dealership. He acknowledged there is a 7-Eleven closer to Yorktown than the proposed site. He said the County does not have many visible corners left. He pointed out that both Fort Eustis Boulevard and George Washington Memorial Highway (Route 17) are main arteries to the historic district. He is considering the best use of the land and the fact that there are other locations available for Mr. Lab’s business. He added that he would like for Mr. Lab’s business to remain in York County. **Mr. Simasek** recommended that Mr. Lab contact the Office of Economic Development about seeking other viable sites for his business.

Mr. Ptasznik moved proposed Resolution No. PC05-24. It was defeated unanimously.

Resolution No. PC05-24

On motion of Mr. Ptasznik, the following resolution was defeated by a vote of 0:7:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A USED CAR SALES LOT WITHOUT AUTO BODY REPAIR AND PAINTING LOCATED AT 8017 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17).

WHEREAS, Specialty Motorsports and Collectibles, has submitted Application No. UP-668-05, which requests a Special Use Permit, pursuant to Section 24.1-306 [Category 12, No. 5(a)] of the York County Zoning Ordinance, to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of May, 2005 that Application No. UP-668-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a used car sales lot, without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a used car sales lot without auto body work and painting on a 1-acre parcel of land located at 8017 George Washington Memorial Highway (Route 17) at its intersection with Fort Eustis Boulevard (Route 105) and further identified as Assessor's Parcel No. 24-68-1(GPIN Q08B-3974-3734).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any activities on the site. Said site plan shall be in substantial conformance with the plan titled "Specialty Motorsports & Collectibles Site Plan" prepared by Mickiewicz Robertson & Associates, Ltd. and dated April 18, 1986. The plan must delineate the car display area on the site plan with the required parking spaces, pursuant to Section 24.1-606 of the Zoning Ordinance.
3. The used car sales lot shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses* of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the use, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. The existing entrance located along George Washington Memorial Highway (Route 17) shall be closed and curbing placed along the inferior side of the former entrance so as prevent the movement of traffic from the parcel onto George Washington Memorial Highway (Route 17). The existing driveway apron shall be removed and the area between the roadway shoulder and the on-site curbing shall be landscaped.
6. A Natural Resources Inventory shall be submitted with the site plan. Development of the property shall comply with all applicable requirements of Section 24.1-372, *EMA-Environmental management area overlay district*, and Section 24.1-376, *WMP-Watershed management and protection area overlay district*.
7. The existing building shall be renovated to comply with the terms of the proposed Route 17 Tourist Corridor Management Overlay District, as contained in the draft recommended to the Board of Supervisors by the Planning Commission, or as superseded by the final version, if adopted by the Board of Supervisors. Specifically, the building façade shall be brick veneer façade and the canopy shall be reconstructed to appear to be a mansard style roof designed using materials compatible with the adjacent Patriot's Square shopping center.

8. The site shall be landscaped to comply with the landscape planting standards specified by Section 24.1-242 of the Zoning Ordinance. To ensure an attractive road frontage, the front landscape yards along Fort Eustis Boulevard (Route 105) shall be landscaped to achieve the Landscape Credit Unit (LCU) requirements for a 35-foot Greenbelt, as specified by Section 24.1-245, and the George Washington Memorial Highway (Route 17) frontage shall be required to achieve 50 LCU's per 100 feet of frontage. Side yard plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h) and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements.
9. Freestanding identification signage for the used car sales lot shall be limited to a single monument sign, pursuant to the requirements for Limited Business monument signs (40 square feet) in the Zoning Ordinance, Section 24.1-703. Fascia materials used on the sign shall match that of the proposed building façade. No signage shall be permitted on the canopy, pursuant to Section 24.1-475(d) of the Zoning Ordinance.
10. Freestanding and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting fixtures shall use full cut-off, shielded fixtures and shall be installed with flat lenses angled level to the ground. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

NEW BUSINESS

There was no new business.

OLD BUSINESS

Ms. Conner inquired if the County had investigated the portable storage units that have stood on a Back Creek Road property well beyond the permitted time. Mr. Carter said staff advised him that one of the units has been removed and the other would be removed by May 15th.

STAFF REPORTS

Mr. Carter handed out a report entitled, "Development Activity Update," dated May 11, 2005, listing plans recently submitted and approved and other recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Mr. Nick Barba reported the Route 17 Revitalization Study Committee has essentially completed its work and believes the results will stimulate economic activity on Route 17. Mr. Ptasznik asked if the Committee considered a provision for an award to the business with the most improvement. Mr. Barba agreed that was a good suggestion, but because the grants have not been reimbursed pending completion of some of the work, it is premature to consider particular recipients.

Mr. Barba said the Comprehensive Plan Review Steering Committee is commencing review of the critical land use element.

COMMISSION REPORTS AND REQUESTS

There were no reports or requests.

ADJOURN

The meeting was adjourned at 8:51 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Andrew A. Simasek, Chair

DATE: June 8, 2005